

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
AIKEN DIVISION**

United States of America,	)	
	)	
Plaintiff,	)	C.A. 1:08-CV-01707-MBS
	)	
v.	)	
	)	
Norfolk Southern Railway Company,	)	
	)	
Defendant.	)	

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**NOTICE OF LODGING AND  
REQUEST THAT COURT TAKE NO ACTION AT THIS TIME**

Plaintiff, the United States of America (“United States”), on behalf of the United States Environmental Protection Agency (“EPA”), respectfully lodges with this Court a proposed Consent Decree (“proposed Decree”) in the above-captioned matter.

The proposed Decree would resolve the liability of Defendant Norfolk Southern Railway Company with regard to the United States’ claims under the Clean Water Act, 33 U.S.C. §§ 1251–1387, and the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. §§ 9601–9675(c) (“CERCLA”), as asserted in the United States’ Amended Complaint [Docket # 34].

Pursuant to Section XIX of the proposed Decree, before entry of the proposed Decree by the Court, the proposed Decree must be lodged with the Court, and notice of lodging must be published in the Federal Register. The United States withholds approval of the proposed Decree pending publication of notice of the proposed Decree in the Federal Register for public review and comment as provided in the proposed Decree. Thirty days after publication of the

Notice in the Federal Register, the United States will inform the Court of its views regarding any comments that may be received and, if it believes that entry of the proposed Decree remains warranted, the United States will at that time move the Court for entry of the proposed Decree.

**WHEREFORE, the United States respectfully requests that this Court receive the proposed Decree for lodging only, and that it abstain from acting upon the same until the thirty (30) day period (from publication in the Federal Register) for public comment has expired and the United States has moved for entry of the proposed Decree.**

Respectfully submitted,

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